

CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS VALID COURT ORDER (VCO) EXCEPTION CHECKLIST GENERAL INFORMATION

Status offenders may only be held in juvenile detention facilities under limited circumstances. There are specific instances where a Welfare and Institutions Code §601 Ward of the Court may be committed to a detention facility. The Juvenile Justice and Delinquency Prevention Act (JJDP) Valid Court Order (VCO) Exception provides that post-disposition status offenders (WIC §601 Wards of the Court) found to have violated a valid court order and who have been given full due process rights may be committed to a juvenile detention facility.

The JJDP defines a valid court order as: *“a court order given by a juvenile court judge to a juvenile who was brought before the court and made subject to such order; and who received, before the issuance of the order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.”*

For the VCO Exception to apply, the JJDP requires that the following actions occur when a status offender is taken into custody for violating a valid court order:

- An appropriate public agency must be promptly notified that the youth is held in custody for violating the order;
- Not later than 24 hours during which the youth is held, an authorized representative of the agency shall interview, in person, the youth; and
- Not later than 48 hours during which the youth is held:
 - The representative must submit an assessment to the court that issued the order regarding the immediate needs of the youth; and
 - The court shall conduct a hearing to determine whether there is reasonable cause to believe that the youth violated the order and the appropriate placement of the youth pending disposition of the alleged violation.

If all of the items listed above were satisfied, the WIC §601 Ward of the Court may be held in a juvenile detention center pursuant to the JJDP, but should not be held any longer than necessary to make an informed disposition.

The Valid Court Order (VCO) Exception Checklist must be completed and returned with the Status and Non Offender Detention Report for all youth committed to juvenile hall and a copy of the Minute Order specifying terms.